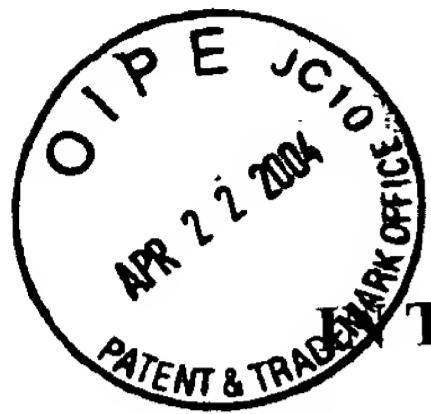


*Ernest*

BARNES & THORNBURG

1725



Suite 4400  
One North Wacker Drive  
Chicago, IL 60606  
(312) 357-1313 (Telephone)  
(312) 759-5646 (Facsimile)

**PATENT APPLICATION**  
**THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Customer No.: 23644

Application No.: 09/933,527

Confirmation No.: 5832

Filing Date: 08/20/2001

Group Art Unit: 1725

Examiner Name: Kevin P. Kerns

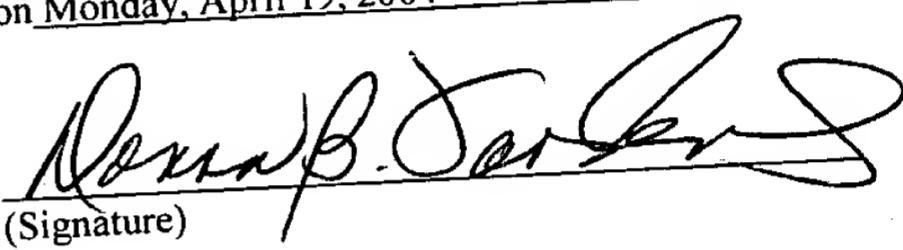
Attorney Docket No.: 921095-910623

First Named Inventor: Robert V. Norby

Title: Rail Welderhead Shear Apparatus

Certificate Under 37 CFR 1.8(a)

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on Monday, April 19, 2004

  
(Signature)

Donna B. Vandenberg  
(Printed Name)

[x] AUTHORIZATION TO PAY AND PETITION FOR THE ACCEPTANCE OF ANY NECESSARY FEES. If any charges or fees must be paid in connection with the following Communication (including but not limited to the payment of Issue Fees), they may be paid out of our deposit account 12-0913. If this payment also requires a Petition, please construe this authorization to pay as the necessary Petition which is required to accompany this payment.

[ ] Applicant hereby petitions for a   -month extension and entry of this Amendment which is sent within the    month after the due date of   , 2003. The payment of \$  .00 to cover the   -month extension is enclosed herewith.

**RESPONSE TO RESTRICTION REQUIREMENT**

In response to the Restriction Requirement mailed March 17, 2004, Applicants respond as follows:

Applicants respectively traverse the Restriction Requirement. The apparatus in the first species comprises the means which enable the method in the second species to be performed. The two species of claims are therefore interrelated.

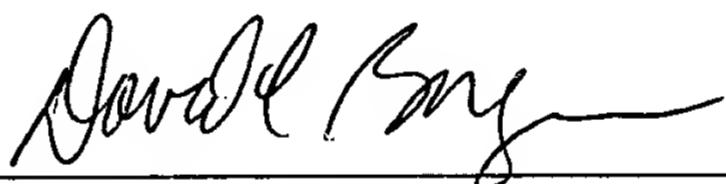
Subject to the above remarks, if the Examiner maintains the restriction requirements, applicants elect, with traverse the claims in the first Group drawn to the apparatus, claims 1-7.

A complete copy of pages 1-14 of the original specification is enclosed.

A complete copy of all pending claims 1-22, designated "Original" and "Previously Presented" as appropriate.

The Preliminary Amendment of January 9, 2002 and the Second Preliminary Amendment of January 16, 2002 included Amendments to the specification, but these are not mentioned in the current action and therefore are not submitted.

Respectfully submitted,



---

David C. Brezina  
Barnes & Thornburg  
P.O. Box 2786  
Chicago, IL 60690  
Phone: 312-214-4802  
Facsimile: 312-759-5646

Attorney for Applicant  
Registration No.: 34,128